THE UNITED STATES DISTRICT COURT SOUTHERN DISTRICT OF TEXAS MCALLEN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

VS.

3.17 ACRES OF LAND, MORE OR LESS, SITUATED IN STARR COUNTY, TEXAS; AND JUAN MONTALVO, ET AL.,

Defendants.

§ SECOND AMENDMENT TO § DECLARATION OF TAKING

CASE NO. 7:08-cv-00177

SECOND AMENDMENT TO DECLARATION OF TAKING

On June 21, 2008, this proceeding commenced with the filing of a Complaint and Declaration of Taking in this Honorable Court in the name of the United States of America ("United States") for the acquisition of certain interests in lands identified as Tract RGV-RGC-1005 (fee simple), now identified as Tracts RGV-RGC-1104 (fee simple), RGV-RGC-1082 (fee simple), RGV-RGC-1081 (fee simple), RGV-RGC-1080 (fee simple), RGV-RGC-1079 (fee simple), RGV-RGC-1078 (fee simple), and RGV-RGC-1077 (fee simple), situated in Starr County, Texas. The Complaint and Declaration of Taking included a twenty-four month temporary access easement, which is now expired, identified as Tract RGV-RGC-1005E, now identified as Tracts RGV-RGC-1079E, RGV-RGC-1078E and RGV-RGC-1077E, situate in Starr County, Texas.

On June 25, 2008, a deposit was made into the Registry of the Court by the United States in the amount of \$10,900.00 for estimated just compensation.

On August 2, 2017, an Amendment to Complaint in Condemnation, Amendment to Declaration of Taking and Amended Notice of Condemnation was filed.

It is now necessary to amend said Amendment to Declaration of Taking as follows:

- a. To clarify the legal description of acquired fee Tracts RGV-RGC-1104, RGV-RGC-1082, RGV-RGC-1081, RGV-RGC-1080, RGV-RGC-1078, and RGV-RGC-1077;
- b. To clarify the map for fee Tracts RGV-RGC-1104, RGV-RGC-1082, RGV-RGC-1081, RGV-RGC-1080, RGV-RGC-1078, and RGV-RGC-1077;

NOW, THEREFORE, I, Loren Flossman, Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Program Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, under the authority delegated to me by the Act of Congress approved November 25, 2002, as Public Law 107-296, 116 Stat. 2311 and codified at 6 U.S.C. §§ 202, 251, and 557, which transferred certain authorities of the Attorney General to the Secretary of Homeland Security; and by DHS Delegation No. 7010.3(II)(B), which delegated land acquisition authority from the Secretary of Homeland Security to the Commissioner of U.S. Customs and Border Protection; and by CBP Delegation 18-200 which delegated land acquisition authority of \$5 million dollars or less to the Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Program Management Office Directorate, U.S. Border Patrol; do hereby amend said Declaration of Taking and Amendment to Declaration of Taking, as listed above, to:

 Substitute Schedule "CCC", containing a clarified legal description of acquired Tracts RGV-RGC-1104, RGV-RGC-1082, RGV-RGC-1081, RGV-RGC-1080, RGV-RGC-1078, and RGV-RGC-1077, attached hereto and made a part hereof in lieu of the legal description provided in Schedule "CC" of the Amendment to Declaration of Taking for said tracts;

2. Substitute Schedule "DDD", containing the map for acquired fee Tracts RGV-RGC-1104, RGV-RGC-1082, RGV-RGC-1081, RGV-RGC-1080, RGV-RGC-1078, and RGV-RGC-1077, attached hereto and made a part hereof in lieu of the plats provided in Schedule "DD" of the Amendment to Declaration of Taking for said tracts;

It is intended by this amendment that the aforesaid Amendment to Declaration of Taking (as heretofore amended) is not changed, and is not intended to be changed, in any respect except as hereinabove expressly set forth.

IN WITNESS WHEREOF, the undersigned, Acquisition Program Manager, Wall Program Management Office, U.S. Border Patrol Program Management Office Directorate, U.S. Border Patrol, U.S. Customs and Border Protection, Department of Homeland Security, hereunto subscribes his name by direction of the Secretary of the Department of Homeland Security, this __9th_ day of __January_, 2019__ in the City of Washington, District of Columbia.

Loren Flossman Digitally signed by Loren Flossman Date: 2020.01.09 07:54:50 -05'00'

Loren Flossman
Acquisition Program Manager
Wall Program Management Office
U.S. Border Patrol Program Management Office Directorate
U.S. Border Patrol
U.S. Customs and Border Protection
Department of Homeland Security